

**The Regular Meeting of the  
Brian Head Town Council  
Town Hall - 56 North Highway 143,  
Brian Head, UT 84719  
TUESDAY, OCTOBER 28, 2014 @ 1:00 PM**

**Roll Call.**

**Members Present:** Mayor H. C. Deutschlander, Council Member Jim Ortler, Council Member Larry Freeberg, Council Member Clayton Calloway, Council Member Reece Wilson (participated by electronic means).

**Staff Present:** Bret Howser, Nancy Leigh, Tom Stratton, Dan Benson, Cecilia Johnson, Nancy,

**A. CALL TO ORDER**

Mayor Deutschlander called the regular meeting of the Brian Head Town Council to order at 1:00 pm.

**B. PLEDGE OF ALLEGIANCE**

Mayor Deutschlander led the Council and others in the Pledge of Allegiance.

**C. DISCLOSURES**

Council Member Ortler stated he may have a potential conflict of interest with Agenda Item F-1, in which he is the landlord for the business, Korner Café.

There were no other conflicts of interest with today's agenda items. Mayor Deutschlander stated that the disclosure statements are on file at the Town Clerk's office and are available for public inspection during normal business hours.

**D. APPROVAL OF THE MINUTES:****1. October 14, 2014 Town Council Meeting.**

**Motion:** Council Member Calloway moved to approve the October 14, 2014 Town Council minutes with changes. Council Member Freeberg seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Calloway, Council Member Freeberg, Council Member Ortler, Council Member Wilson).

**2. October 14, 2014 Town Council Closed Session**

**Motion:** Council Member Calloway moved to table the October 14, 2014 Town Council closed session minutes. Council Member Freeberg seconded the motion.

**Action:** **Motion carried 4-0-1 (summary: Yes = 4, No = 0, Abstain = 1 Vote: Yes:** Council Member Calloway, Council Member Freeberg, Council Member Ortler, Mayor Deutschlander. **Abstain:** Council Member Wilson).

**E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**

**Nancy Leigh, Town Clerk,** reported the PAR Tax reauthorization is on the ballot for next Tuesday's election. Council Member Ortler inquired if any Council Members have had any inquiries from the public on the PAR tax reauthorization. Mayor Deutschlander reported he received two questions 1) if it is a new tax? 2) Why does the PAR tax require a reauthorization? Council Member Freeberg commented the one person he spoke with was in favor the reauthorization of the tax.

**Council Member Ortler**

- a) Updated the Council on the Utah League of Cities & Towns Legislative Policy Committee meeting he attended. Council Member Ortler reported most the energy of the League is expended is on the transportation initiative, which every cities/towns in Utah are spending money from their General fund to cover road repairs. The League is acting on this by increasing the sales tax by a quarter of a percent and is asking each city and town for a small contribution, based on



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population. Mayor Deutschlander reported one of the issues that the B & C road funds are lower than usual is with the smaller and more efficient cars using less fuel; there is less revenue for the B & C road fund for the state to complete road improvements.

- b) Cedar Breaks Lodge has experience some changes in their personnel with the new management that has taken place. Some employees have been terminated and others have been laid off. Cedar Breaks Lodge's gift shop has also been closed. .

**Council Member Calloway** reported he attended the water right training held in Brian Head. Council Member Calloway commented that water rights are a confusing subject.

**Council Member Freeberg** inquired if Brian Head has addressed affordable housing. Council Member Freeberg reported this inquiry is related to an article written in the Five County Association of Government newsletter on affordable housing. Council Member Ortler responded there are laws in place which requires municipalities to address affordable housing in their General Plans. Mayor Deutschlander reported that there are exemptions to the affordable housing requirements for towns due to small populations. Bret Howwer reported every resort town deals with the affordable housing issue, but Brian Head is fortunate in which we have the ability to draw workers from nearby communities.

#### **Tom Stratton, Public Works Director**

1. Updated the Council on the status of the Bearflat Well repair. Tom presented a bag of drilling mud extracted from the Bearflat well. Tom reported there is no gravel pack in the bottom of the well and the contractors are in the process of cleaning the pipe. Council held the following discussion on the well repair.
  - a) Council Member Freeberg inquired if the screen located near the bottom of the well would need to be replaced. Tom responded the screen at the bottom is in good condition and would not need replacing.
  - b) It was decided not to take the new casing below the last sixty feet (60') of the screen because the integrity of the screen is good.
  - c) The upper screen damage may have been due to improper installation originally.
  - d) Council Member Freeberg commented it is a risk assessment and the town should be conservative. Council Member Freeberg expressed his concern on potential future costs if the town determines not to replace the bottom screen at this time and then learns that the bottom screen will have to be replaced later.
  - e) The contractors were scheduled to be completed by Friday, October 31, 2014, but the town has extended to mid-November.
2. The Mammoth tank pumps have been replaced and with the new pumps, the town will be able to pump 800 gpm to the snowmaking pond. The resort is scheduled to start making snow on November 2, 2014.
3. Decker and Saltpile springs are now back on line, giving the town more water capacity.
4. Mayor Deutschlander inquired as to the water overflow at Chair #2 and why it is not going to the Bearflat well waterwheel. Tom responded that one of the resort's contractors hit a waterline last week which may have caused the excess water running down. Staff will follow up and report back to Council.
5. The town has a contract with Parowan Irrigation to send water from Bristlecone Pond to Parowan. The town will continue to send water until October 31<sup>st</sup>, which is the last day of the irrigation season. Parowan has been notified that the town will stop sending water at the end of the week (October 31<sup>st</sup>).

**Alice Matteson, Receptionist**, reported the annual town dinner has been scheduled for November 21<sup>st</sup>. The dinner will be held at Cedar Breaks Lodge. The Council agreed with the date for the dinner.

## **F. AGENDA ITEMS:**

1. **ALCOHOL LICENSE – LOCAL CONSENT.** A request for local consent for a limited Service Restaurant alcohol license for the Korner Café.

Nancy Leigh, Town Clerk, presented the local consent application for an alcohol license for Korner Café (see attached). Nancy explained Kornor Café is seeking a limited service restaurant license to serve heavy beer and wine and needs the Council's consent for his application to the Department of Alcoholic Beverage and Control.

**Motion:** Council Member Calloway moved to grant local consent for the Korner Café as presented and authorize the Mayor to sign the consent form. Council Member Freeberg seconded the motion.

Council Member Ortler reported the Korner Café is planning to open for breakfast and lunch and will be serving traditional food.



**Action:** Motion carried 4-0-1 (summary: Yes = 4, No = 0, Abstain = 1 Vote: Yes: Council Member Calloway, Council Member Freeberg, Council Member Wilson, Mayor Deutschlander. Abstain: Council Member Ortler).

## 2. HEALTH INSURANCE BENEFIT REVIEW. A review of the employees' health insurance benefits for the 2015 year.

Bret Howser, Town Manager, presented options to the Council for the 2015 health insurance benefits for the town employees (see attached staff report). Bret then gave a brief history of the town's health insurance coverage in which the employees' health insurance premiums have increased slightly over the years with the town paying an average annual increase of seven percent (7%), while others have paid double digit increases for their health insurance. Bill Phelps, Spectra Management, was present to answer questions from the Council on the town's health insurance.

Bret commented he would like the Council to focus on the following principals for this discussion:

- a) To be efficient as possible in keeping the cost down for the taxpayers.
- b) Maintain a competitive position in the market to attract and retain employees.
- c) Don't put the employees in a position in which a single medical event would negatively affect the employee financially.
- d) If the employees should be participating in the premiums in order to have ownership. Bret stated that he does not recommend passing some of the premium costs onto the employees.
- e) Where there is a risk to the employee, the town should increase the amount of money the employee can save in a HSA if they keep their health costs low.

The Council held discussion on the following:

- a) The town has shifted to different types of coverage over the years in an effort to save on costs, such as reducing the benefits in an effort to reduce the cost of the premium.
- b) In 2012 the town went to the Health Savings Account plan with a town contribution to the HSA on the employee's behalf. The deducted for a family was \$3,000 and the town contributed \$2,400, leaving the employee to cover \$600 out of pocket expense to meet their deductible.
- c) The town has received proposals from insurance companies for the upcoming year.
- d) The town budgeted a 15% increase for health insurance premiums and the current plan with Altius Health is proposed at a 12 % increase from last year.
- e) The town is allowed to keep the current plan with Altius before the town will have to comply with the Affordable Healthcare Act.
- f) Health plans are now based on age and if the employee is a smoker.
- g) High deductible health plans are designed to motivate the employees to carefully consider being wise in their self-assessment before going to the Dr.'s office.
- h) There are other medical expenses that are not tied to the health insurance.
- i) The health insurance coverage does not include dental and vision and typically have higher co-pays which are out-of-pocket expenses to the employees.
- j) The HSA is maintained by a third party company and stays with the employee when they leave employment.
- k) Council Member Ortler commented the budget was approved for a anticipated 15% increase in health insurance coverage and if the town should choose the same plan, the town would still be saving money.
- l) Council Member Ortler expressed his concerns on shifting the exposure to the employees in a single year.
- m) If the town chooses PEHP plan with \$3,600 town contribution to contribute to the HSA, the employees would be exposed to \$1,400. This is a change from \$600 from the current year.
- n) PEHP has a vesting period of a three year agreement. If the town were to choose to move to another carrier prior to three years and if PEHP has paid out more in claims than what they received in premiums, they have the ability to charge the town the difference.

Council directed staff to present the PEHP health insurance plan with a \$5,000 deductible for family and an contribution of \$3,600 to the employee's HSA account. Staff will present a contract for Council's approval.

## 3. ADMINISTRATIVE CODE ORDINANCE An ordinance adopting the Administrative Code as Title 1, Chapter 7 of the Brian Head Town Code.

Nancy Leigh, Town Clerk, presented a final draft of the Administrative Code for Council's consideration (see attached). Nancy explained the Administrative Code draft was reviewed by the Council in previous meetings and those changes have been implemented.



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Council Member Ortler requested the Council consider deleting the word “calendar” in 1-7-10, Removal of the Town Manager. Council Member Ortler stated he has concerns with the proposed draft rerating state code, since there is a possibility the state code will change over a period of time.

**Motion:** Council Member Calloway moved to adopt Ordinance No. 14-008, an Ordinance adopting the Administrative Code as Title 1, Chapter 7 of the Brian Head Town Code with the following change: Section 1-7-10, Removal of the Town Manager: delete the word “calendar” from the sentence. Council Member Freeberg seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Calloway, Council Member Freeberg, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).

**G. CLOSED SESSION OF THE TOWN COUNCIL.** To discuss the sale, exchange, lease or purchase of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction; a strategy session to discuss collective bargaining and discuss the sale of real property.

**Motion:** Council Member Freeberg moved to enter into closed session to discuss the sale, exchange, lease or purchase of real property. Council Member Ortler seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Calloway, Council Member Freeberg, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).

The Council entered into closed session at 2:40 pm

**Motion:** Council Member Freeberg moved to adjourn the closed session and reconvene the regular meeting of the Town Council. Council Member Calloway seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Calloway, Council Member Freeberg, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).

The regular meeting of the Town Council was reconvened at 3:10 pm

## **H. WORK SESSION – LAND MANAGEMENT CODE REVIEW.**

Mayor Deutschlander distributed a handout from the Utah Tourism Conference regarding directional signage and the potential direction the state is looking at towards directional signs in the Highway right-of-ways. Mayor Deutschlander encouraged the Council to consider tabling the sign code review until mid-March 2015 when the State Legislature makes a decision on directional signage. Council determined the review of the sign code will continue since the code addresses signs in general within the town boundaries.

The Council then reviewed the Sign Code with the following discussion/ revisions/corrections.

1. Council Member Calloway presented a handout identifying a definition he would like to see implemented into the sign code (see attached).
2. Whether signs located within the Utah Department of Transportation (UDOT) right-of-way should be addressed by the town or UDOT. Bret proposed that the town allow for signs in the UDOT right-of-way with approval of the appropriate agency. Council Member Calloway commented that he believes that the town could falsely leading people to contact UDOT for approval with their initial response as a negative.
3. If the sign code should be modified to address signs within the town’s right-of-way only.
4. **Consensus:** CHANGE TO: the town prohibits signs within the town’s right-of-way.
5. Bret Howser presented a power point presentation on the current town signs (see attached). Some of the highlights of the presentation were as follows:
  - a. **Street Tree Signs** which are signs put on a tree at an intersection.
    - i. The preservation of the trees should be considered on whether street tree signs are allowed or not.
    - ii. Due to the large number of street tree signs, the Council will need to consider if the benefit is worth the cost.
    - iii. The majority of street tree signs were installed prior to the town installing street signs.
    - iv. The code currently states that a sign cannot be nailed to a tree, but if a wooden post were installed and the signs attached to the wooden post.
    - v. If the wooden post is located within the town right-of-way or private property.
    - vi. Staff will need to research to determine if the sign owners still own a cabin located on the street for which the street tree sign is located and inform them of the sign code.
    - vii. **Consensus:** Leave as is – No change – 3 Council Members.
    - viii. **ELIMINATE:** “Street” in “Street Tree Signs” TO READ: “Tree Signs”.



- b) **Commercial signs** nailed to trees are identified as off-site advertising and are prohibited.
    - i. Council Member Calloway stated that the street signs on trees go against what the town is trying to accomplish and violates several provisions in the code.
  - c) **Multi-Family Wall Signs:** Every wall sign in Brian Head is currently in violation of the town's sign code. The code allows for nine (9) square feet.
    - i. Bret recommended the Council change the requirement for Multi-Family Residential wall signs to reflect the Commercial requirement.
  - d) **Canopy Signs**
    - i. Are architectural projection signs and allow for 25% of the face of the projection. Bret explained this requirement is not realistic.
    - ii. **Consensus: CHANGE** 25% of the canopy to 100% of the canopy.
  - e) **Off-site Advertising**
    - i. The resort currently offers off-site advertising for businesses in which the business has sponsored some of the equipment the signs hangs on.
    - ii. Signs up to eight (8) square feet are permissible.
    - iii. Bret suggested some exemptions: any signs located within the interior of the property and not visible to the exterior of the lot are allowed. Staff will identify language in the exempt section of the code.
  - f) **Blinking Signs**
    - i. Only 25% of the sign can blink.
    - ii. Council Member Ortler commented the underlying philosophy of the sign code is to preserve the natural beauty of the area.
    - iii. **Consensus:** Council is against blinking signs, other than allowing for an open sign within the interior of a building which can be four (4) square feet. Staff will address the square footage for open signs.
    - iv. Chief Benson explained there are several types of blinking signs such as the informational/warning signs that are put up to assist the public.
  - g) **Residential Signs**
    - i. Residential signs are allowed to be six (6) square feet.
    - ii. Council will address residential signs at a later time.
6. Bret presented several examples of legal and illegal signs currently within the town (see power point presentation).
  7. Staff will check the code for language pertaining to disrepair signs as an enforcement tool.
  8. Bret encouraged the Council to allow staff to exercise some judgment on the enforcement of the sign code and staff can approach Council if there is an item which needs clarification. **Consensus:** The Council will support staff's judgment on enforcement issues. Staff will identify the changes in the code.
  9. Mayor Deutschlander reported that during the Tourism conference, an item of discussion was the lettering on street signage should be six inch (6") letters, which gives the motorists 300' to react and read the street signs at 30 mph. Speed limits higher than 30 mph should identify the lettering at eight inches (8").

## I. ADJOURNMENT

- Motion:** Council Member Ortler moved to adjourn the regular meeting of the Brian Head Town Council for October 28, 2014. Council Member Freeberg seconded the motion.
- Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Calloway, Council Member Freeberg, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).

The regular meeting of the Brian Head Town Council was adjourned at 4:15 for October 28, 2014.

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Date Approved

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Nancy Leigh, Town Clerk

